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7 *Attorney(s) for Rothschild Patent Imaging, LLC*
8

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 **DIGITAL VERIFICATION**
12 **SYSTEMS LLC,**

§ **Case No. 3:22-cv-03122**

13 **Plaintiff,**

§ **PATENT CASE**

14 **vs.**

§ **JURY TRIAL DEMANDED**

15 **JOTFORM, INC.**

§ **COMPLAINT**

16 **Defendant.**

§

17 Plaintiff Digital Verification Systems, LLC (“Plaintiff” and/or “DVS”) files
18 this Complaint against JotForm, Inc. (“Defendant” and/or “JotForm”) for
19 infringement of United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).
20

21 **PARTIES AND JURISDICTION**

22 1. This is an action for patent infringement under Title 35 of the United
23 States Code. Plaintiff is seeking injunctive relief as well as damages.

24 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
25 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
26 infringement arising under the United States patent statutes.

27 3. Plaintiff is a Texas limited liability company located at 1 East Broward
28 Boulevard, Suite 700, Fort Lauderdale, FL 33301.

1 4. On information and belief, Defendant is a California corporation with its
2 principal office located at 4 Embarcadero Center, Suite 780, San Francisco, CA
3 94111. On information and belief, Defendant may be served through its registered
4 agent, Steve Hartert, of the same address.

5 5. On information and belief, this Court has personal jurisdiction over
6 Defendant because Defendant has committed, and continues to commit, acts of
7 infringement in this District, has conducted business in this District, and/or has
8 engaged in continuous and systematic activities in this District.

9 6. On information and belief, Defendant's instrumentalities that are alleged
10 herein to infringe were and continue to be used, imported, offered for sale, and/or sold
11 in this District.

VENUE

13 7. On information and belief, the venue is proper in this District under 28
14 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively,
15 acts of infringement are occurring in this District, and Defendant has a regular and
16 established place of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

19 ||| 8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

20 9. This cause of action arises under the patent laws of the United States
21 and, in particular, under 35 U.S.C. §§ 271, *et seq.*

22 10. Plaintiff is the owner by assignment of the '860 Patent with sole rights
23 to enforce the '860 Patent and sue infringers.

24 11. A copy of the '860 Patent, titled "Digital Verified Identification System
25 and Method," is attached hereto as Exhibit A.

12. The '860 Patent is valid, enforceable, and was duly issued in full
compliance with Title 35 of the United States Code.

1 13. Upon information and belief, Defendant has infringed and continues to
 2 infringe one or more claims, including at least Claim 1, of the ‘860 Patent by making,
 3 using (at least by having its employees, or someone under Defendant's control, test
 4 the accused Product), importing, selling, and/or offering for sale associated hardware
 5 and/or software for digital signature services (e.g., JotForm electronic-signature), and
 6 any similar products and/or services (“Product”) covered by at least Claim 1 of the
 7 ‘860 Patent. Defendant has infringed and continues to infringe the ‘860 patent either
 8 directly or through acts of contributory infringement or inducement in violation of 35
 9 U.S.C. § 271.

10 14. The Product provides a system for e-signing digital documents. The
 11 Product provides for digitally verifying the identification of a signer. Certain aspects
 12 of this element are illustrated in the screenshot(s) below and/or in those provided in
 13 connection with other allegations herein.

14 **Create Electronic Signature Forms for Free**

15 Get legally binding signatures from any device with Jotform. Create free electronic signature
 16 forms for contracts, agreements, waivers, and more. Customize with no coding. Embed in your
 17 website and convert submissions to PDF documents automatically.

18 Source: <https://www.jotform.com/features/electronic-signature-form/>

20 Jotform accepts electronic signatures, enabling you to authenticate, identify, and
 21 secure your form.

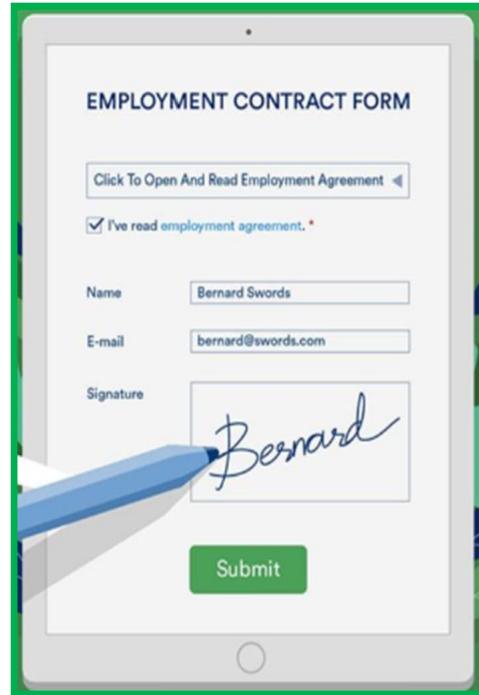
22 Creating an electronic signature for your form is simple. It only takes three steps:

24 1. In the Form Elements menu, add E-Signature to your form from the Widgets
 25 tab. The e-signature widget allows signers to draw their signature using a
 26 mouse, finger, or other input device. The widget requires no additional
 27 configuration, and you can resize it to fit your form layout.

28 Source: <https://www.jotform.com/guide-to-electronic-signatures/>

1 E-signatures can be used on consent forms, contracts, application forms,
2 registration forms, online petitions, forms that require terms of service agreements,
3 non-disclosure agreements, incident reporting, and human resources forms.

4 Source: <https://www.jotform.com/help/433-how-to-add-an-e-signature-to-your-form/>



15. The Product includes at least one digital identification module structured
16 to be associated with at least one entity. For example, the Product provides a module
17 (e.g., the creation of an e-signature module for a user) to be associated with at least
18 one entity (i.e., a user who needs to create an e-signature). Certain aspects of this
19 element are illustrated in the screenshot(s) below and/or in those provided in
20 connection with other allegations herein.

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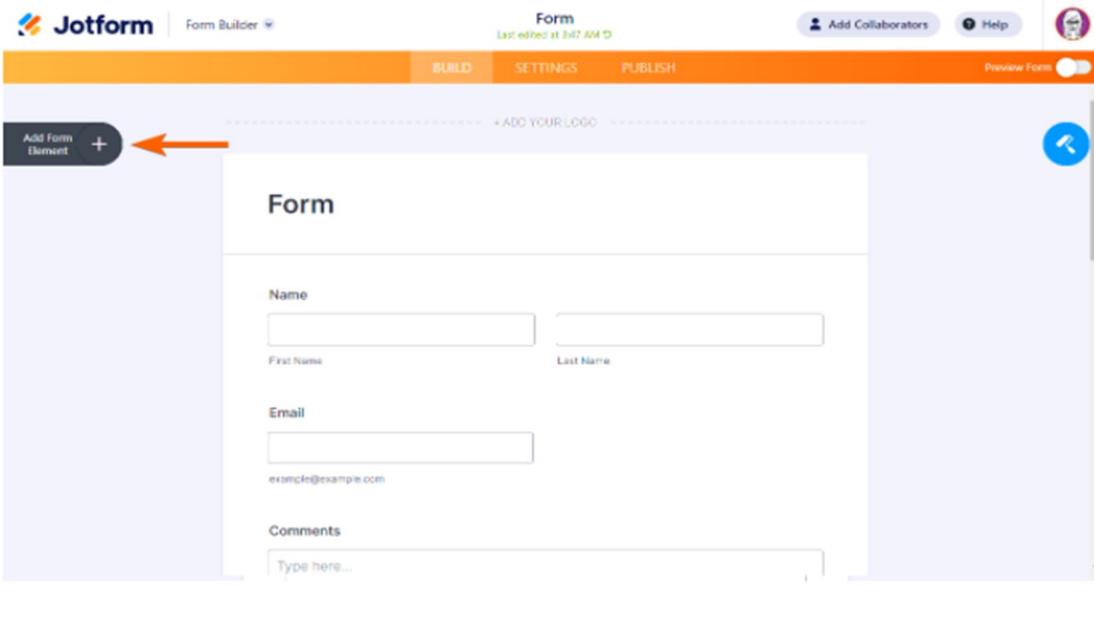
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14

- 15 1. In the Form Builder, click the Add Form Element button on the left.



27 Source: <https://www.jotform.com/help/433-how-to-add-an-e-signature-to-your-form/>

1 16. The Product includes a module generating assembly structured to receive
 2 at least one verification data element corresponding to at least one entity and create
 3 said at least one digital identification module. For example, the Product includes a
 4 module generating assembly structured to receive at least one verification data
 5 element corresponding to at least one entity (e.g., a user has a unique login ID and
 6 password for accessing and verifying the account for e-signing the documents). The
 7 module generating assembly is also structured to create at least one digital
 8 identification module (e.g., creating an e-signature of a user). Certain aspects of this
 9 element are illustrated in the screenshot(s) below and/or in those provided in
 10 connection with other allegations herein.

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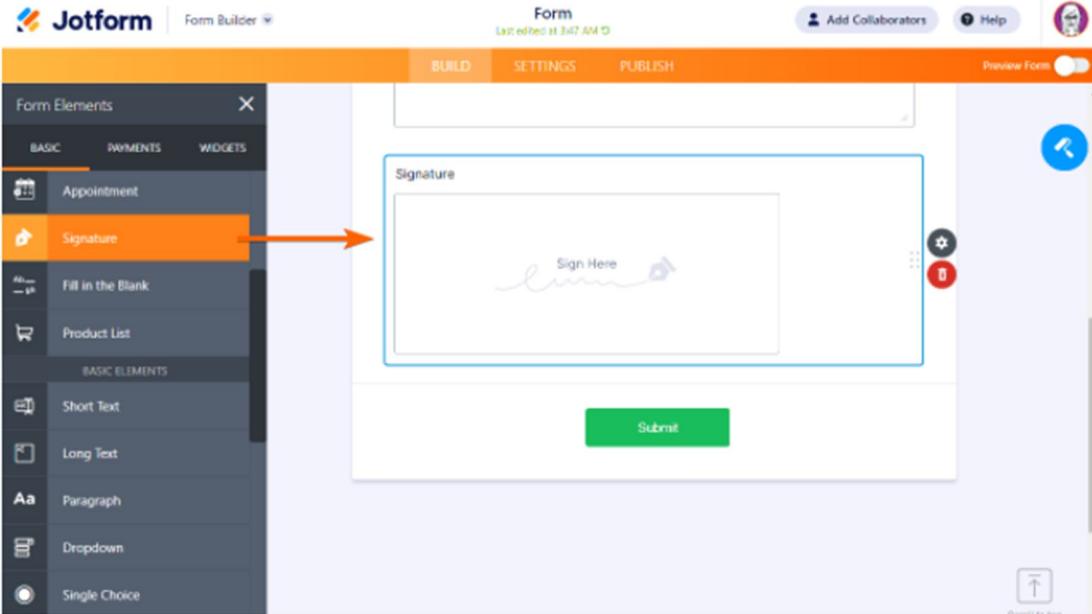
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1 2. Click or drag and drop the Signature element to your form.



3 4 5 6 7 8 9 10 11 12 13 14
 If you want to use one of the eSignature widgets listed above, go to the Widgets tab and search for “Signature”, click or drag and drop the widget you want to use.

15
 Source: <https://www.jotform.com/help/433-how-to-add-an-e-signature-to-your-form/>

16 17 18 19 20
 17. at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

1 Jotform's PDF contract templates are editable which means
2 you can adjust the overall format including the
3 aforementioned sections. If the job description changes
4 significantly or there is a need to change the responsibility
5 of the employee within the company, you can have the
6 templates edited to send a new contract where both parties
7 can review and sign again.

8 A contract is a legally enforceable agreement between two or more parties. It
9 is an agreement that creates a legal duty or responsibility. Most companies
10 and agencies preferred a written one, but many struggle finding a good set of
11 templates they can use to make this possible between them and the
12 employee. Using a template saves them time, but most generators online only
13 offer limited features. To address the difficulties and less featured templates,
14 Jotform creates a collection of ready-made contract templates in PDF format
15 that is completely customizable and a free to use.

16 Source: <https://www.jotform.com/pdf-templates/contract>

17 18. at least one digital identification module includes at least one primary
18 component structured to associate the digital identification module at least partially
19 with at least one entity. For example, an e-signature of a user is associated with user
20 information including username, date, etc. to associate the digital identification
21 module at least partially with at least one entity (e.g., an e-signature is associated with
22 a user). Certain aspects of this element are illustrated in the screenshot(s) below
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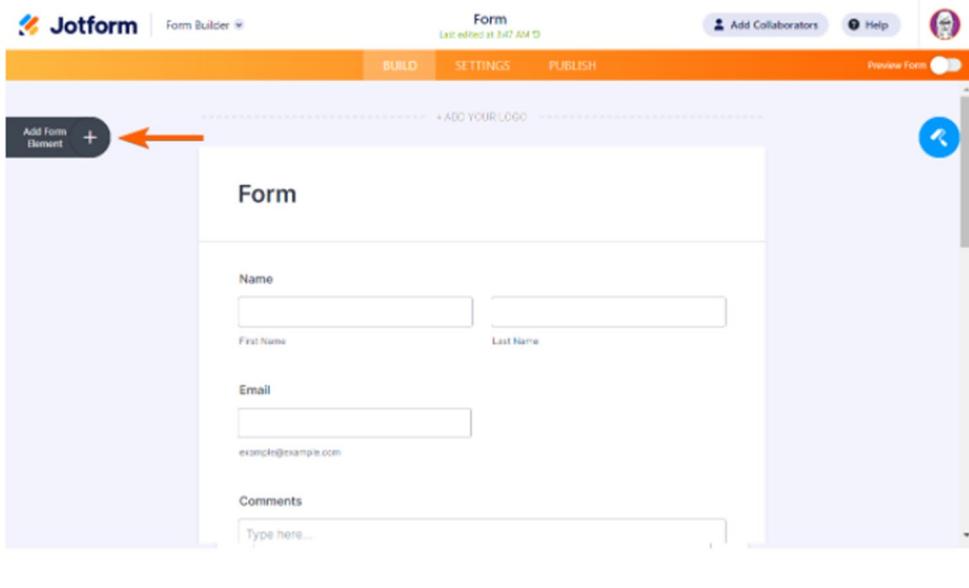
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1 19. at least one digital identification module is cooperatively structured to be
 2 embedded within only a single electronic file. For example, the module (e-signature)
 3 is stored within a single file (such as a PDF, Word doc, image file, etc.). Certain
 4 aspects of this element are illustrated in the screenshot(s) below and/or in those
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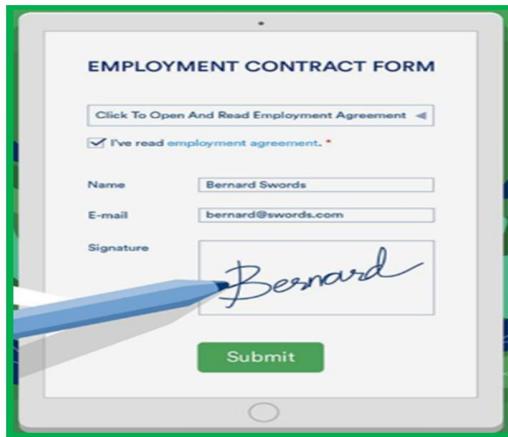
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 7 is an agreement that creates a legal duty or responsibility. Most companies
 8 and agencies preferred a written one, but many struggle finding a good set of
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 Jotform creates a collection of ready-made contract templates in PDF format
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12 20. Defendant's actions complained of herein will continue unless
 13 Defendant is enjoined by this court.

14 21. Defendant's actions complained of herein are causing irreparable harm
 15 and monetary damage to Plaintiff and will continue to do so unless and until
 16 Defendant is enjoined and restrained by this Court.

17 22. Plaintiff is in compliance with 35 U.S.C. § 287.

18 **JURY DEMAND**

19 23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
 20 respectfully requests a trial by jury on all issues so triable.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff asks the Court to:

23 (a) Enter judgment for Plaintiff on this Complaint on all causes of action
 24 asserted herein;

25 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
 26 employees, attorneys, and all persons in active concert or participation with Defendant
 27 who receive notice of the order from further infringement of United States Patent No.

1 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of
2 judgment going forward);

3 (c) Award Plaintiff damages resulting from Defendant's infringement in
4 accordance with 35 U.S.C. § 284;

5 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

6 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
7 entitled under law or equity.

8
9 Dated: May 27, 2022

Respectfully submitted,

10 /s/Stephen M. Lobbin
11 **Attorney(s) for Plaintiff**

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